

MINUTES OF THE HAMPTON ROADS REGIONAL JAIL AUTHORITY

Chairman Snead called the regular meeting of the Hampton Roads Regional Jail Authority (HRRJA) to order at the Hampton Roads Regional Jail, 2690 Elmhurst Lane, Portsmouth, Virginia 23701, on the 19th day of April at 1:30 p.m. in the large training room with the following members in attendance:

MEMBERS & ALTERNATES

James E. Baker (CH)
Chris Snead (HA) Chair
B. J. Roberts (HA)
Brian DeProfio (HA) Alternate
Gabriel A. Morgan (NN)
Sharon P. Scott (NN)
Alan Archer (NN) Alternate
Betty Meyer (NO) Alternate
Martin A. Thomas Jr. (NO) Vice Chair

Lydia Pettis Payton (PO)
William Rucker (PO) Alternate
Robert C. Ike, Jr. (CH)
William Watson (PO)
Mary B. Bunting (HA)
Nathan J. Clark (PO)
Clayton Bennett (CH)
Joseph Baron (NO)

A quorum was present.

OTHERS RECORDED ATTENDING

Superintendent Ronaldo D. Myers; Assistant Superintendent Linda Bryant; Major Felicia Cowan; Captain Frank Ellis; Captain Thurman Barnes; Deborah Hand; Robin Johnson, Charles W. ("C J") Bruce, HRRJ.

THE AGENDA AND THE REVIEWING OF THE MINUTES

Chairwoman Snead noted at the start of the Meeting, that there were not presently enough Board Members present in order to vote on the minutes, however, allowed time for the Members to review the minutes, as well as giving extra time for any additional members to show up to the meeting, thereby forming a quorum. While the Board Members reviewed the minutes, Chairwoman introduced Hampton Road's Regional Jail's new Superintendent, Mr. Ronaldo Myers, for his first official meeting.

TREASURER'S REPORT PRESENTATION

Chairwoman Snead directed the Board to Ms. Deborah Hand to present the Treasurer's Report. Ms. Hand introduced Mr. Brian Stump, as the new Accounting and Budget Manager of Hampton Roads Regional Jail, who would in turn, present the Treasurer's Report.

Mr. Stump stated that the Adopted Budget (FY 2017) is about \$38 million, and Actual FY thru 03/31/17 is about 24 ½ million. There are a couple of changes that I want to note: Medical Services Reimbursements, Prescriptions, and Off-Site Costs are up significantly – we will be able to bill for most of that; Out-of-Compliance - Medical, we're expecting that to come in at \$1,050 million which is our projections. Take a

look at Expenditures, unfortunately, Inmate Medical Services is about \$1.845 million, which is our projection; there are some timing differences that have something to do with that. Basically we get reimbursed from the Department of Corrections; we normally get ultimately 90 to 95 percent, however, after the sentencing of the inmate, we have a waiting period of up to 61 additional days before the Department of Corrections will kick in; DOC is responsible for anything 61 days on. Other items to note, Telephone Revenues, a big item, are up slightly, in which we get a commission or amount which is based on the inmate telephone charges. It is a slight increase of about \$44.7 thousand. Special Revenues are up slightly by about \$265 thousand dollars; the commission on Inmate Commissary we've collected commission. At the bottom (of the report) beneath Expenditures, where you'll see Personal Services, and Employee Benefits, we show a \$150 thousand dollars in savings, in payroll basically, and another \$100 thousand in benefits. Does anyone have any questions? Chairwoman Snead asked, where you have Capital Repair and Replacement money, is that coming from a different fund into the Jail Operating Fund? Does it show up in Capital Outlay on the Expenditures side? Mr. Stump replied, I believe the two do offset, so the Revenue will come in out the Capital Funds, and you are absolutely correct - the Capital Outlay is the 613.5 (actual). Chairwoman Snead stated, so this money is to cover Capital Outlay Expenditures? Mr. Stump replied; that is correct. Chairwoman Snead asked if there were any further questions. Ms. Hand was asked to better explain Out-of-Compliance Medical, whereby she stated; for any inmate who is considered Out-of-Compliance, which means they've been convicted, sentenced, and after 61 days – they become the responsibility of DOC, however, DOC doesn't pick them up until after a year or two after the inmate has become their responsibility; so for that timespan, any offsite medical costs that we incur on behalf of that inmate that belongs to DOC – we can submit to them for reimbursement. We've not done that before, because of the comprehensive contracts we had, we did not have the claims information that we needed in order to submit to DOC, but the contract we have now – we're doing that robustly now to try to get reimbursement. The figure you see, that "881...", that's actual Revenues we've received, the \$1,050,000 has become an income to us that wasn't available to us before; it was available but we didn't have any claims for us to be able to submit. Sheriff Gabe Morgan stated; when we look at the Capital Repair – and then we look at the Capital Outlay, there's a delta, and I am curious, is that because we're covered? Ms. Hand indicated that she would elaborate a bit on what he (Mr. Stump) did; the Board approved at the February meeting for us to appropriate money from the Reserves to kick-start the Grant Program. You originally agreed to let us have \$250,000, we're actually only appropriating \$150,000, because it's been a slow start-up on getting people onsite for the grant program, so what you're seeing here is that additional budget figure – that \$605, 883 – that includes capital that we budgeted for the grant, as well as the \$581, 883, which was the appropriation for the CIP stuff. Chairwoman Snead remarked that it doesn't add up. If you take the "\$581,883, and the \$150,000.....," Sheriff Morgan added; I think the difference is that they haven't spent all of the money that they allocated, so I'm interpreting that the \$605,883 is less than the \$731,883. Chairwoman Snead said, okay I see, all of the Capital Money didn't go into the Capital Funds....; Ms. Hand replied; well no, that 2nd column are adjustments to the budget, so, \$581,883 in the Capital Outlay line, was for 2 CIP projects that we did, which were approved by the Board, the difference is Capital for the Grant that we appropriated. Mr. DeProfio stated; in the "150" you have Capital, and say you have operating monies for salvaging; Chairwoman Snead replied; okay, so it's spread out. Mr. Stump asked if there were any more questions. Next, spoke Assistant Superintendent Bryant, stating that she was passing out what was submitted as a Quarterly Progress Report from the Grant. If everyone can recall, we requested for about \$600,000, and we were rewarded for about \$939,000. We were one of 6 jails that received grant funding, and we received the largest amount. As Ms. Hand noted, there's been some delays in hiring; we've hired our person. The way the grant was structured, most of the staff would report to Behavioral Health, and one staff person that would oversee it would report to our jail. The person we hired started on March 6th and she's hit the ground running. The Behavioral interview process is taking a little longer, but we have 2 candidates who

will be starting on April 24th, and we're very excited about the caliber of individuals that will be coming in. Also, things evolved since we've submitted the Grant. After the Grant concept paper was submitted, the jail and everyone invested, and another full time psychiatrist; we brought on some more robust clinical services. The grant initially contemplated robust clinical services, which are still needed, but it was smarter to bring in more Case Manager's Discharge Planners to work in the jail, to be able to connect people with services upon their release. The State Community Services and Behavioral Health Board will receive a large pot of money for housing, so rather than allocate a quarter million for housing, which we were not able to break down with any accuracy; we thought it better to bring in people from the various Community Services Boards; have them in the jail to be able to connect and mix directly with their existing pot of resources. The Community Services Board- all the Directors are bringing in more robust discharge planning services; which was one of the Department of Justice's first questions in which they asked. Captain Barnes is there anything that you'd like to add? Captain Barnes stated; yesterday, we started the groups with the Grant, with the Case Managers from Portsmouth Behavioral; they've been here and started their groups with their core groups; they will be here tomorrow starting more groups. The inmates are very interested and excited about the opportunity of re-entry into the computer with the Discharge Planner. Linda added; the report details indicates that there are 4 or 5 people that we've already been able to utilize grant funds to get them released earlier into housing, and wrap around services. A lot of the local jails have parole violators in their jails, and when they are in local jails instead of prisons, they are DOC inmates but they don't get the benefit of DOC services, the re-entry services and all of that, so, we've identified a pool of people in this jail that are parole violators that hopefully we can do something with; one is getting released today – 6 months early. We've worked with the Parole Board, who really likes this idea of trying to capture this pool of parole violators across the state that are in local jails, and trying to get them released earlier – and even lifting their violations in some instances to get them out earlier with proper discharge planning. Chairwoman Snead directs the Board to the Review of Operations and Activities, giving Superintendent Myers the opportunity to elaborate on this Item. Superintendent Myers indicated that he wanted to first take a moment to introduce Mr. Charles Bruce ("CJ"), HRRJ's new Human Resources Coordinator. Mr. Bruce informed the Board that prior to coming on board with HRRJ, he had been previously employed by the Department of Corrections, where he had worked in Human Resources since he was age 19, then he later transitioned over to the private sector with a private security company – ODS Security Solutions, whereby he served as a Human Resources Generalist. He recently relocated to the Hampton Roads area, and recently joined Hampton Roads Regional Jail whereby he want to make sure all of the employees needs are met, and is very excited to be a part of the team. Next, Superintendent Myers re-directed the Board to Item 4, the Review of Operations and Activities. He stated: I conducted a first re-staffing analysis, and what I found was that we're short, which is not a surprise to you. I toured the jail; I spoke with employees and observed what each employee was doing, and what functions we could not cover, and was pretty surprised to see that we were very short. When I counted during my staffing analysis, I came up with 104 officers short. However, I went back to look at what is a critical need – what should we have; when I did that – I figured we could drop this down to somewhere between 45 to 50 officers, which accomplish most of the things we need to accomplish. When I looked at Housing Unit 1, we have basically 4 to 5 officers staffing. My first weekend here, we had 5 people in the hospital, and between all 4 shifts, anywhere between 19 to 22 officers, the only shifts working within the building was the Housing Units. Even though this is sort of a remote facility - the officers are not in a unit; however, we did not have enough officers to cover our mandated posts, which is a safety problem for the officers. I'm looking at this now, and am trying to make sure we have enough coverage day in and day out, and we will have to cover this through overtime, and make sure that the shifts understand that whatever posts we have to cover – we have to cover them.

I have reviewed the policies, and the policies are very good, although I think some are very wordy, sometimes the wordiness is used to help break down the policies for a better understanding of what is supposed to be done, and how it is supposed to be done. Are there any questions?

Ms. Sharon Scott had arrived, and Chairwoman Snead noted to the Board Members who were in attendance, that the Board now has enough members present to form a quorum. Sheriff B. J. Roberts asked about the Comp-board positions number, and Superintendent Myers responded 250 officers. Sheriff Morgan asked if it were the same as DOC staffing; Superintendent Myers said that he was not sure about that. He added that he would like to further explain and give a little more depth, saying; when I looked at the staffing, you may have 250 officers, but you have officers doing other things also, such as maintenance, kitchen security, mail – which is considered for security issues, in other words, there are officers doing things that we could maybe put someone there instead. Sheriff Roberts stated; one of the things historically that has been done is that we hold back a certain number of officers, but look into that process because I think in this case, for this situation we need to go with that outfit. Ms. Hand stated; for the Board's direction, in the new budget we have 6 frozen positions that in 2018 that will become unfrozen, and we will be able to fill all Comp-board positions. To answer your question, we've got 299 positions, but some of those are civilian, and there are about 276 sworn officers. We are actively recruiting and bringing people on just as quickly as we can to fill them, and we're bringing on maybe 10 or 20 a month, but we can't keep them – they cycle in and out quickly, like within weeks or months.

Sheriff Morgan shared with the Superintendent and the Board Members that in Virginia, the Department of Corrections comes out and does a review, telling the Comp-board the positions that they believe we should have; the Comp-board then allocate those positions. The allocated positions never satisfy our departments, and more often than not, we have to make those critical decisions as to what are we going to staff – what are we not going to staff, if need be go to a locality and say, "this is what I have," "this is what I believe I need," make the justification, and it is up to the Board whether or not we can fund it and get it going. So what you're going through, is what we're all going through; we have so many positions that are required that are not recognized by the Comp-board. We (the Board) recognize the staffing concerns addressed, and as a Board, we need to really look at that and make a determination as to what it is that we "can," or "cannot" support, and we have to make a conscience decision that if we are not going to support it, that we're going on record to say that we're not going to support this. Superintendent Myers stated how he wanted to give the Board Members an overview of the quick staffing analysis he conducted, and that by the next meeting, he could show the Board the numbers and how everything should look. Ms. Sharon Scott asked if the positions with the greatest turnovers were specialized positions. Superintendent Myers responded that there is always a turnover with Correctional Officers. Ms. Scott asked if a temp agency has been considered so that when really understaffed, that somebody else can come in. Sheriff Morgan responded; we could not do that because of certification and security standards. Chairwoman Snead commented; we (the Board) understand that you get "the worst," of what we all have, so therefore, your struggle is a bit harder – not to make light of what we have to do – but we know that the worst is over here (HRRJ), and from my perspective, I'd like to see how you're utilizing your staff. You have to make some tough decisions about what you have to have someone doing when it's not related to correctional or corrections. You can look at how they are being utilized to make some changes there to help more efficiencies. Superintendent Myers replied say that he has to compliment the staff, and the officers. Everything that the officers are doing is essential, regardless if they are doing plumbing work, the mail, classification, programs, etc., those are essential functions that make the jail run. Going back to what you said earlier about our jail having the "worst of the worst," I looked at the first week of April, and saw where we had 152 hospital stays, so we are averaging about 1.5 inmates in the hospital every single day, which is not a post that we counted on, but because the kind of inmates that we get.

Sheriff Roberts asked when was the last time we requested a staff study; Ms. Hand replied; at least 10 to 12 years. Sheriff Roberts indicated that it really needs to be worked on and done. Sheriff Morgan asked if it was part of a community base study, and if there was a projection in there? Ms. Hand replied that she thought it was just a projection for the new building. Sheriff Roberts said that the numbers were probably in there, but if we don't do anything about it to the Compensation Board, then it will be just like it's not there. Chairwoman Snead stated that we could make a motion now that we have a quorum. Sheriff Roberts Moved for a motion to do a Staffing Study, and Ms. Scott seconded the motion. The Motion Carried. Ms. Scott asked what the timeframe from hire to certification; Sheriff Morgan replied, a year. Ms. Scott also asked; in that year, at what point can they actually go into facility work, and Sheriff Morgan answered, right away. Ms. Bryant stated: The take-a-ways for the Justice investigation were that we spent several months with them, giving them information; some of you may have talked with them. They were here for about a week, and they were in the community talking with people. While they were here on site – for 3 days, there was a team of 5 people, 3 Attorneys, 1 Doctor, and 1 Psychologist. During their exit briefing, their comments were that they saw a parallel cooperation on our staffs, and they saw a parallel commitment; this was pretty meaningful because they go into a lot of jails and prisons and it's not usually this collaborative. They also recognized the uniqueness of this facility, and they said, "You don't have enough staff," and they said we urgently need another psychiatrist, which is another \$200,000; this is urgent, and critical – we have to do things quickly. They also talked about design and how clearly the facility is not designed for the population that we have. We made counter-arguments and took the opportunity to try to educate the attorneys and the team while they were here on some of the realities of running a jail, and Mr. Myers had noted to them how that some of the issues that they had been pointing out were really about "all" of the jails in the country. They were, however, focused on the acute needs of this population. If you noticed, we sent out a little press release about the positive, only because they will likely publish it once they do their report. This brings me to the Virginia Risk Information that Mr. Hueber said that there were questions about, so we've passed out the updated Virginia Risk version. Everyone here is covered through the DRM by \$1 million dollars per event. Jeff Rosen, who represents the Authority and other individuals in the Mitchell case, said he'd be happy to come here during the next Board meeting, if anyone wants to talk about the update. Everything is now trying to come together; Federal Courts are being more willing to allow cases to proceed when the suits are against Authorities.

Mr. Jim Baker referenced; when we were talking about personnel, we are showing an annualized turnover rate for jail officers at 33%, so that really caught my eye, and on the next page (pg. 11), we're showing 20 jail officers, which isn't anywhere close to the 33%, so I wanted to get clarity. Ms. Scott added; there are conversations about how some Veterans, and others, are not taking advantage of their skill-set – people are retiring very early, people who are 38 and 40, and they've done their 20 plus years; we need to tap into that market of that group because they already have some income, so if they're not starting at top pay, then they are not terribly alarmed. I've met some retired Police Officers over the past week and all of them were less than 45 yrs. old; they had the time, but not the age. Many of them indicated how the sit home and watch T.V. all day; there may be an opportunity to look at the retired Police Officers. Sheriff Morgan stated that he wanted to refer back to an earlier reference made by Mr. Baker, regarding the HRRJ's turnover rate percentage of 32 or 33% - to have the staff to take a look at it, because looking at the numbers; it looks like it should be near 15% rather than the 32 or 33%. Mr. Myers said that he will take a look at it.

Chairwoman Snead asked if there was anything else to be discussed. Ms. Bryant said no, that was nothing further from her regarding the Justice update. Chairwoman Snead said since there is nothing further to discuss, that she would like to go back to the Approval of Minutes because we didn't have a quorum earlier, the Board could not vote on some things. Can I have a Motion to approve the Minutes from February 15th, 2017? "So Moved," stated Sheriff Morgan; Mr. Baker seconded, and the Motion Carried. Dr. Betty Myers

mentioned that it was a misspelling of Superintendent's last name towards the very ending of the Minutes that needs correction. Next, is the Treasurer's Report, said Chairwoman Snead; the 2 Board Members who are now present (were not present earlier in the meeting), do you have any questions regarding the Treasurer's Report? Since there are no questions, may I get a Motion to Move the Treasurer's Report? Sheriff Roberts replied; so Moved; Ms. Scott Seconded, and the Motion Carried. Now, let us go on to discuss the Transportation portion of the Agenda. Chairwoman Snead referred to the Transportation section (pg.10), stating that she didn't quite understand whether or not this is a "change," or "status quote." Sheriff Morgan replied; that's a status quote; there was a "hiccup" which has been corrected, and there is a recommended change to the wording to make it legal. The way its read right now, is that "they will be released and then transported back to their facility – to the Jurisdiction." Technically, we have no authority to handcuff someone and then take them back, so what it should read is that, "they would be released upon release to their Jurisdiction." So, there's some recommended language, and I'd like for the recommended language to be that "all prisoners are to be transported back to the member Jurisdiction, or non-member Jurisdiction in which they were accepted, prior to their release from custody, unless suitable arrangements have been made for the prisoners release directly from the jail. Now, that's what the staff has recommended, and the new wording would correct the language in there. My only concern regards the last part, where we say "suitable arrangements have been made," and the reason I say that is because in difference to Portsmouth, the things we did with them as being a host, is that Portsmouth did not want prisoners from 5 different areas being left in their Jurisdiction, and they agreed that they would not. So, based on that original intent, I would be reluctant to go with the last part about "arrangement;" we'll just change it to satisfy this. Ms. Patton is not here, but she was very upset when the transports back to the Jurisdictions were not happening. My recommendation would be to change it to fix without making alternate arrangements, because alternate arrangements would leave an opening that would put Portsmouth as a Host City for a whole lot of folk. Chairwoman Snead said; let me make sure I understand, so what you're saying is that they will be transported back to the member Jurisdiction, and released by the member Jurisdiction? Sheriff Morgan replied, no. He stated that they would be released upon their being returned back to their member Jurisdiction. Sheriff Roberts added; when they are released from court, technically the person ought to be able to go ahead and leave, but administratively, they have to come back. Chairwoman Snead said; so if I was in jail and was released, you would release me and take me back to Hampton; would Hampton know that you have brought me back to Hampton? Sheriff Roberts replied, no, because the person doesn't belong to them anymore. Chairwoman Snead asked if there were any concerns or questions regarding the language change. Sheriff (Morgan) would you read the language change again? Sheriff Morgan read; "all prisoners shall be to the Member Jurisdiction or Non-member Jurisdiction from which they were accepted prior to their release from custody." Chairwoman Snead asked for a motion to approve to clean up the service agreement with a change in the language, and then send it to Member Jurisdictions. Sheriff Morgan made the Motion to clean up the service agreement with a change in the language, and then send it to Member Jurisdictions. Sheriff Roberts requested for more discussion; I think it's good for us to do this, but I would feel more comfortable with Jeff (Rosen) making the change for us - a legal change, verses us trying to do it and come up against a road block. Chairwoman Snead asked Sheriff Roberts if he was suggesting that we have someone to look at the whole agreement; Sheriff Roberts replied; no, I can go along with this part, but eventually, I think we should. Sheriff Roberts seconded the Motion; the Motion Carried.

CLOSED SESSION

Chairwoman Snead recommended the Board to make a motion to move into Closed Session to discuss Attorney. Ms. Bryant Moved for a motion the Board to into Closed Session and cited the motion pursuant to 2.2-3711.A.7 of the Code of Virginia for briefings by the staff members pertaining to probable litigation, where such

briefing in an open meeting would adversely affect the negotiating or litigating posture of the Authority. Sheriff Roberts seconded; the Motion Carried.

**CERTIFICATION FOR ADOPTION
BY ROLL-CALL VOTE AFTER
CONCLUSION OF THE CLOSED MEETING**

Sheriff Gabe Morgan read the following statement: The Hampton Roads Regional Jail Authority hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements under Chapter 37, Title 2.2 of the Code of Virginia, and (ii) only such public matters as were identified in the motion by which the closed meeting was convened, were heard, discussed or considered in the meeting by the Authority. Chairwoman Snead asked the Recorder, Ms. Johnson to conduct the roll call of members.

ROLL CALL: . J. Roberts, yea; Sharon P. Scott, yea; Joseph Baron, yea; Gabe Morgan, yea; Martin Thomas, yea; Ronaldo Myers; Chris Snead, yea; Betty Myer, yea; Brian DeProfio, yea

Chairwoman Snead stated; we now need to remove Ms. Bryant as Secretary and Treasurer, and then appoint Mr. Myers as Secretary and Treasurer. I need a motion to remove Ms. Bryant as Secretary and Treasurer; Sheriff Roberts Moved the Motion; Sheriff Morgan seconded, and the Motion Carried. Next, Chairwoman requested a Motion to appoint the HRRJ Superintendent, Mr. Myers, as Secretary and Treasurer. Ms. Scott Moved the Motion; Sheriff Gabe seconded; and the Motion Carried. Are there any other issues to be brought before the Board, asked Chairwoman Snead. Sheriff Morgan stated that he would like to make a Motion that Ms. Bryant be made an ex-officio of the Board. Sheriff Roberts seconded; The Motion Carried.

ADJOURNMENT

The next regular Board meeting will be on Wednesday June 21st, 2017. There being no further business to come before the Authority, Chairwoman Snead adjourned the meeting.

Robin L. Johnson
Recording Secretary

Chris Snead
Chairwoman